

PETER J. BENVENUTTI (Bar No. 60566)  
 PETER J. CROSBY (Bar No. 115588)  
 HELLER EHRMAN LLP  
 333 Bush Street  
 San Francisco, CA 94104  
 Telephone: 415-772-6000  
 Facsimile: 415-772-6268  
 Email: peter.benvenutti@hellerehrman.com

MARK S. KAUFMAN (Admitted Pro Hac Vice)  
 McKENNA LONG & ALDRIDGE LLP  
 303 Peachtree Street, Suite 5300  
 Atlanta, GA 30308  
 Telephone: (404) 527-4000  
 Facsimile: (404) 527-4198  
 Attorneys for Plaintiff  
 Lehman Brothers Holdings Inc.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

Case No. C06-03787 CRB

ARON M. OLINER, as Chapter 11 Trustee of  
 The Kontrabecki Group Limited Partnership,  
 and LEHMAN BROTHERS HOLDINGS  
 INC.,

Plaintiffs,

v.

JOHN KONTRABECKI,

Defendant.

**STIPULATION RE CONTINUANCE OF  
 HEARING DATES ON (1) MOTION OF  
 LEHMAN BROTHERS HOLDINGS INC.  
 TO DEFER PROCEEDINGS ON  
 MOTION FOR WITHDRAWAL OF  
 REFERENCE PENDING DISPOSITION  
 OF MOTIONS BY BANKRUPTCY  
 COURT AND (2) DEFENDANT  
 KONTRABECKI'S MOTION TO  
 WITHDRAW REFERENCE;  
~~PROPOSED~~ ORDER THEREON**

In re  
 CENTRAL EUROPEAN INDUSTRIAL  
 DEVELOPMENT COMPANY, LLC d/b/a,  
 CEIDCO,  
 Debtor,

Bk. No. 02-30419-11-DM  
 Chapter 11

In re  
 THE KONTRABECKI GROUP, LP,  
 Debtor,

Bk. No. 02-30421-11-DM  
 Chapter 11

Heller  
 Ehrman LLP

STIP RE CONTINUANCE OF HEARING DATES  
 ORDER THEREON  
 Civ. No. 06-3787 CRB

1 Pursuant to Local Rule 7-7, Plaintiff Lehman Brothers Holdings, Inc. ("Lehman"), on the one  
2 hand, and Defendant John Kontrabecki ("Kontrabecki") on the other hand, by and through their  
3 respective attorneys of record, hereby stipulate and agree, and respectfully request an order of the Court,  
4 as follows:

5 WHEREAS Kontrabecki has filed his Motion to Withdraw the Reference of the above entitled  
6 Adversary Proceeding ("Motion to Withdraw Reference"), and a hearing thereon has been set for  
7 September 8, 2006; and

8 WHEREAS Lehman has filed its Motion to Defer Proceedings on Motion for Withdrawal of  
9 Reference Pending Disposition of Motions by Bankruptcy Court ("Motion to Defer") and a hearing  
10 thereon has been set by the Court for August 18, 2006; and

11 WHEREAS, due to a scheduling conflict, Kontrabecki's counsel is unavailable on August 18,  
12 2006 to appear at the hearing on the Motion to Defer scheduled by the Court for that date.; and

13 WHEREAS, the parties wish to postpone the hearing on the Motion to Withdraw Reference to  
14 September 29, in order to extend the time for the parties to file their respective opposition and reply  
15 briefs on the Motion to Withdraw Reference beyond the date the Court is scheduled to hear and decide  
16 the Motion to Defer, without prejudice to either party seeking a further postponement of the hearing  
17 date and briefing schedule on the Motion to Withdraw Reference if the Court grants the Motion to  
18 Defer, and without prejudice to Lehman seeking a one-week postponement of the hearing date and  
19 briefing schedule on the Motion to Withdraw Reference if the Court denies the Motion to Defer.

20 NOW THEREFORE, the parties hereto stipulate and agree:

21 1. The hearing on the Motion to Defer shall be continued from August 18, 2006 and shall  
22 take place before the Court on August 25, 2006, at 10:00 a.m. or as soon thereafter as counsel may be  
23 heard;

24 2. The hearing on the Motion to Withdraw Reference be continued from September 8,  
25 2006 and shall take place before the Court on September 29, 2006, at 10:00 a.m. or as soon thereafter  
26 as counsel may be heard; the parties acknowledge and agree that this continuance is without  
27 prejudice to (a) either party seeking a further postponement of the hearing date and briefing schedule on  
28 the Motion to Withdraw Reference if the Court grants the Motion to Defer, and (b) Lehman seeking a

one-week postponement of the hearing date and briefing schedule on the Motion to Withdraw Reference if the Court denies the Motion to Defer, which postponement, if sought by Lehman, will not be opposed by Kontrabecki.

The parties hereto respectfully request that the Court enter an Order according to these stipulated terms.

Dated: July 25, 2006

Respectfully submitted,

HELLER EHRMAN LLP  
McKENNA LONG & ALDRIDGE, LLP

ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LLP  
FARELLA BRAUN & MARTEL LLP

By /s/ Peter J. Crosby

Peter J. Crosby  
Attorneys for Plaintiff Lehman Brothers  
Holdings Inc.

By /s/ Robert H. Sloss

Robert H. Sloss  
Defendant John T. Kontrabecki.

### ORDER

The Court having considered the foregoing Stipulation, and good cause appearing therefore, IT IS HEREBY ORDERED:

1. The hearing on the Motion to Defer shall be continued from August 18, 2006 and shall take place on August 25, 2006 at 10:00 a.m. Briefing by the parties shall be submitted in accordance with the Local Rules of this Court.

2. The hearing on the Motion to Withdraw Reference shall be continued from September 8, 2006 and shall take place on September 29, 2006 at 10:00 a.m.; briefing by the parties shall be submitted in accordance with the Local Rules of this Court; provided, however, that as stipulated by the parties, this continuance shall be without prejudice to (a) either party seeking a further postponement of the hearing date and briefing schedule on the Motion to Withdraw Reference if the Court grants the Motion to Defer, and (b) Lehman seeking an additional one-week postponement of the hearing date and briefing schedule on the Motion to Withdraw Reference if the Court denies the Motion to Defer.

IT IS HEREBY SO ORDERED.

Dated: July 26, 2006.

Heller  
Ehrman LLP

STIP RE CONTINUANCE OF HEARING DATES  
ORDER THEREON  
Civ. No. 06-3787 CRB

